

REMARKS

This amendment and these remarks are responsive to the Office action dated August 29, 2003. Claims 12-35 are pending in the application. Claims 12-17 are withdrawn from consideration. Claims 18-35 are rejected under 35 U.S.C. § 112, second paragraph. Claims 18 and 24-35 are amended. In view of the above amendments and the following remarks, applicants request reconsideration of the rejected claims under 37 C.F.R. § 1.111.

Objections to the Drawings

The drawings are objected to as not being in conformance with 37 C.F.R. § 1.84. Without acknowledging the propriety of the objection, applicants hereby submit 21 sheets of replacement drawings that are in compliance with 37 C.F.R. § 1.84.

The drawings have been amended to address the issues noted in the Notice of Draftsperson's Patent Drawing Review. In addition, the depiction of the movable frame in Figure 6 has been expanded to show stops 67 and 68. However, stops 67 and 68 are clearly shown in Figures 1 and 7, and referred to in the specification for example at page 9, lines 24-26, and at page 15, lines 1-5. Applicants suggest the amendment does not constitute the addition of new matter.

Figure 6 has been amended to more clearly illustrate the direction of sight for sectional views A-A (Figure 12) and B-B (Figure 21). The direction of sight for views A-A and B-B are indicated in the Brief Descriptions of Figure 12 ("a simplified end-on view") and Figure 21 ("a cut away side view of the movable frame"), and is consistent with the structural details of those figures. Applicants suggest the amendment does not constitute the addition of new matter.

In view of the submission of the substitute drawings, applicants request the withdrawal of the objections to the drawings.

Objections to the Specification

The examiner requests the correction of numerous errors present in the specification. Applicants have therefore amended the specification to correct several typographical errors.

Additionally, applicants have amended the figure description of Figure 21 to indicate that the movable frame shown in the figure is the same as is shown in Figure 7, and that the stationary frame shown in the figure is the same as is shown in Figure 2. Support for this amendment is found in the specification, at page 19, line 23 to page 20, line 6, where it is indicated that Figure 21 depicts movable frame 11 and stationary frame 19. Movable frame 11 is clearly shown in Figure 7, and stationary frame 19 is clearly shown in Figure 7.

In view of the many amendments to the specification set out above, applicants respectfully request the withdrawal of the objection to the specification.

Rejections under 35 U.S.C. § 112

Claims 18-35 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicants regard as their invention.

The examiner indicates that in claim 18, it is not clear how or in what capacity the elements recited in the body of the claim function as a "loading apparatus". Applicants respectfully suggest that the language of claim 18 as filed, in combination with the teaching of the specification and drawings, particularly and definitely defines the claimed subject matter for one of ordinary skill in the relevant art.

However, in the interest of furthering the prosecution of the application, claim 18 has been amended to replace "move" in part b) with "load". Support for this amendment is found in the specification at page 1, lines 4-15 with reference to "loading and unloading containers" and transferring a load; at page 2, line 24 to page 3, line 2 with reference to "loading a load"; and generally at page 8, line 1 to page 9, line 23 with

frequent reference to "loading and off-loading". Similarly, in part c), claim 18 has been amended to replace "movement" with "loading". As claim 18 now specifically recites a structure for loading the moveable frame onto the stationary frame, Applicants respectfully suggest that claim 18 is both particular and distinct in setting out both structure and function for the claimed loading apparatus.

The examiner indicates that the language of claims 24-35 is indefinite. Applicants respectfully suggest that the language of claims 24-35 as filed, in combination with the teaching of the specification and drawings, particularly and definitely defines the claimed subject matter for one of ordinary skill in the relevant art.

However, in the interest of furthering the prosecution of the application, Applicants have amended claims 24-35 to address the concerns of the examiner, as discussed below.

The examiner indicates that in claim 24, lines 1-2, it is not clear what is meant by the preamble limitation "for mounting the movable frame on the stationary frame". Applicants have deleted the phrase "for mounting the movable frame on the stationary frame".

The examiner indicates that in claim 24, line 3, the phrase "an elevatable support member" is inconsistent with the language of lines 5, 7, 13, and 14, "the elevatable support". Applicants have amended all occurrences of "elevatable support member" in the claims to recite "elevatable support".

The examiner has indicated that the phrase "a drive" of claim 24, line 8 is previously recited in claim 18, line 2. Applicants have amended the reference to "a drive" to recite "the drive", in recognition of the antecedent element recited in claim 18 at line 2. Accordingly, the claim has also been amended to recite the relationship between "the drive" and "the stationary frame" and "the elevatable support" and to remove "a drive" as a new element.

The examiner indicates that in claim 24, lines 13-14, it is not clear what is meant by "permitting the angle ... to adapt". Applicants have amended the claim by removing

the phrase "permitting the angle" and inserting the phrase "and to permit adjustment of the adjustable angle of the elevatable support" therefor.

Claims 25-35 have also been amended in accordance with the amendments described above for claim 24. Applicant respectfully suggest in view of the above amendments, the the rejection of claims 18-35 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Allowable Subject Matter

The examiner indicates that claims 18-35 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. Applicants are grateful for the indication of allowable subject matter, and in view of the amendments set out above, respectfully suggest that claims 18-35 are in condition for allowance.

If there are any questions or concerns about this paper or the application in general, or if a telephone interview would in any way advance prosecution of the application, the examiner is urged to contact the undersigned agent of record.

CERTIFICATE OF MAILING

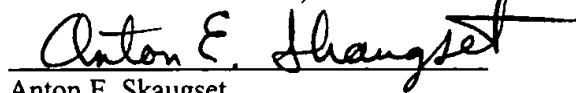
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313, on August 5, 2004.



Suzanne Werner

Date of Signature: August 5, 2004

Respectfully submitted,
KOLISCH HARTWELL, P.C.



Anton E. Skaugset
Customer No. 23581
Registration No. 38,617
of Attorneys/Agents for Applicants
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679